

EXHIBIT N

Transcribed Trial Testimony of Andrew
Verzilli that was video recorded and
played for the Jury

AndrewVerzilli-editedfortrial

Designation List Report



Verzilli, Andrew

2025-07-03

[Our Designations](#)

00:39:32

TOTAL RUN TIME

00:39:32



ID: AndrewVerzilli-editedfortrial

DESIGNATION	SOURCE	DURATION	ID
5:22 - 22:10	Verzilli, Andrew 2025-07-03	00:20:27	AndrewVerzilli-editedfortrial.1
	5:22 Whereupon,		
	5:23 ANDREW VERZILLI,		
	5:24 called as a witness, having been first duly sworn		
	5:25 to tell the truth, the whole truth, and nothing but		
	6:01 the truth, testified as follows:		
	6:02 - - -		
	6:03 DIRECT EXAMINATION		
	6:04 - - -		
	6:05 BY MR. ZIMMERMAN:		
	6:06 Q. Good morning, Mr. Verzilli. Can you		
	6:07 please introduce yourself to the jury?		
	6:08 A. Sure. My name is Andrew C. Verzilli.		
	6:09 V, as in Victor, E-R-Z-I-L-L-I. I'm an economist.		
	6:10 I'm located in Lansdale, Pennsylvania, which is a		
	6:11 suburb of Philadelphia.		
	6:12 Q. What do you do as an economist?		
	6:13 A. My work involves determining the		
	6:14 economic impact that events have on individuals.		
	6:15 I'm here today to talk about how an injury affects		
	6:16 someone's ability to earn income or their earning		
	6:17 capacity.		
	6:18 Other areas that I do work involve		
	6:19 catastrophic-injured individuals, wrongful death		
	6:20 matters, individuals that may need medical care		
	6:21 costs, employment matters, business disputes. So I		
	6:22 look at the economic impact that these events have.		
	6:23 Q. And we'll talk about your opinions in a		
	6:24 few minutes, but in this case, did you research and		
	6:25 identify Mr. Desrosiers' pre-injury earning		
	7:01 capacity, how much he could make before this		
	7:02 accident?		
	7:03 A. Yes.		
	7:04 Q. And did you research what he would have		
	7:05 been able to make after this accident had the		
	7:06 accident not occurred?		
	7:07 A. Yes.		
	7:08 Q. And did you research and identify a		
	7:09 work-life expectancy or how long Mr. Desrosiers		
	7:10 would have worked for?		

DESIGNATION	SOURCE	DURATION	ID
7:11	A. I did.		
7:12	Q. Before we get to your opinions, I		
7:13	understand you're an economist, and I imagine you		
7:14	went to school for that. Can you please tell the		
7:15	jury your schooling and education?		
7:16	A. I earned my bachelor's of science in		
7:17	business from Drexel University, which is in		
7:18	Philadelphia, that was in June of 1988. I majored		
7:19	in economics.		
7:20	I then earned my master's in business		
7:21	administration from La Salle University, which is		
7:22	also in Philadelphia, and that was in December		
7:23	of 1991, and at La Salle my concentration for my		
7:24	master's was in finance.		
7:25	Q. How long have you been an economist?		
8:01	A. Since early '92, so 33 years now.		
8:02	Q. Have you taught in the field of		
8:03	economics?		
8:04	A. Yes. In the past, 1992 to 1999, I		
8:05	taught -- so for about seven years I taught as a		
8:06	member of Drexel's adjunct faculty, and an adjunct,		
8:07	it was a part-time appointment. I taught in the		
8:08	evening college. Most of the times I taught one		
8:09	course a term, and I taught the two principles of		
8:10	economics courses.		
8:11	Q. And have you been a member of any		
8:12	professional societies related to economics?		
8:13	A. I'm a member of presently two: One is		
8:14	the National Association of Forensic Economics,		
8:15	which is related to the application of economics in		
8:16	this type of setting, and then the American		
8:17	Economic Association.		
8:18	Q. Do you do this as a large part of your		
8:19	business, look at cases and understand the economic		
8:20	losses from an accident?		
8:21	A. Yes.		
8:22	Q. And have you been retained by plaintiff		
8:23	firms, including my firm, to perform this economic		
8:24	analysis on a wage loss or other losses?		
8:25	A. In terms of the percent of my work,		
9:01	yes, it's -- it's generally been in the 95 percent		

DESIGNATION	SOURCE	DURATION	ID
9:02	of the retentions I get are for plaintiffs.		
9:03	Q. Have you been retained by the defense		
9:04	side in your career?		
9:05	A. I have, and I have current cases, and		
9:06	that's about 5 percent of my work.		
9:07	MR. ZIMMERMAN: At this time I offer		
9:08	Mr. Verzilli as an expert in vocational		
9:09	economics, and, Ms. Devine, I'd allow you the		
9:10	opportunity if you'd like to ask any		
9:11	questions now or reserve.		
9:12	MS. DEVINE: No questions. No		
9:13	objection.		
9:14	MR. ZIMMERMAN: Okay.		
9:15	BY MR. ZIMMERMAN:		
9:16	Q. So, Mr. Verzilli, let's get right into		
9:17	it. What were you asked to do in this case?		
9:18	A. I was asked to estimate the earning		
9:19	capacity to Mr. Desrosiers as a result of the		
9:20	injury he suffered in October of 2019.		
9:21	Q. And is your testimony today going to be		
9:22	limited just to the losses in wages that		
9:23	Mr. Desrosiers sustained?		
9:24	A. That is correct. Yes.		
9:25	Q. Okay. So let's go through those. I		
10:01	want to pull up a chart, and before I do, the first		
10:02	thing that you looked at was the pre-injury earning		
10:03	capacity of Mr. Desrosiers?		
10:04	A. That's correct. And -- and that's		
10:05	defined as had this not occurred, had this incident		
10:06	not occurred when he was injured, what was his		
10:07	earning capacity.		
10:08	Q. Okay. And I understand you reviewed		
10:09	certain documentation and information. What		
10:10	documentation and information did you review in		
10:11	coming to your opinions?		
10:12	A. I had his W-2 forms from 2014 to '19.		
10:13	I had Dr. Tota's vocational report, and I also had		
10:14	the relevant collective bargaining agreement for		
10:15	the Cambridge police and the City of Cambridge,		
10:16	which determined the base salaries and the wage		
10:17	increases and all the benefits, and that would be		

DESIGNATION	SOURCE	DURATION	ID
10:18	the one that was in effect July '21 to June of '24.		
10:19	Q. The jury will have heard Dr. Tota's		
10:20	testimony before yours. Can you just tell the jury		
10:21	what the difference is between what Romy Tota did		
10:22	and what you did?		
10:23	A. Sure. Economics is the study of the		
10:24	production of income, so I looked at actually		
10:25	estimating the loss of earning capacity. I'm not a		
11:01	vocational expert.		
11:02	Dr. Tota looked at Mr. Desrosiers'		
11:03	pre-injury earnings and his work as a -- as a		
11:04	police officer and then other relevant information		
11:05	and determined can he go -- given the injuries, is		
11:06	he able to go back to that job? If not, can he go		
11:07	back to work, and if he could, what could do he?		
11:08	That's the vocational issue. I'm not -- I have to		
11:09	rely on her in that aspect. And --		
11:10	Q. And did you -- did you do that here?		
11:11	A. I did.		
11:12	Q. Okay. So -- and then you essentially		
11:13	extrapolate the numbers from those opinions?		
11:14	A. That's correct.		
11:15	Q. So let's go through -- I'll mark this		
11:16	as 703. This is a demonstrative of some of the		
11:17	charts from your report.		
11:18	(Exhibit 703 was marked for purposes of		
11:19	identification.)		
11:20	BY MR. ZIMMERMAN:		
11:21	Q. The first thing I want to talk about is		
11:22	pre-injury earning capacity. Can you just simplify		
11:23	that? What does that mean?		
11:24	A. Sure. Earning capacity is the income		
11:25	you receive from work, given your age, education		
12:01	and skills, talents and training, your employment		
12:02	and earnings history, what does the economy say		
12:03	about a specific occupation. It's the ability to		
12:04	produce income.		
12:05	And what that means is as an		
12:06	individual, me or Mr. Desrosiers has what we call		
12:07	human capital, and that has value in the labor		
12:08	market, and his is as a police officer. Pre- --		

DESIGNATION	SOURCE	DURATION	ID
	12:09 pre-injury means had this not occurred, what was		
	12:10 his earning potential as a police officer?		
	12:11 Q. Would showing his earnings from 2014 to		
	12:12 2019 help in providing your opinions?		
	12:13 A. Yes.		
	12:14 Q. Okay. So I'll show you, this is a		
	12:15 chart from your report, and if you could tell the		
	12:16 jury what the relevance of this chart is.		
	12:17 A. Well, this shows what his earning --		
	12:18 his actual earnings were, which is capturing those		
	12:19 factors I just mentioned: his education, his		
	12:20 experience, his skills, talents and training.		
	12:21 As a police officer, they go through		
	12:22 training, the nature of the job, and part of the		
	12:23 job includes overtime, so his actual earnings here		
	12:24 reflect what his earning capacity was.		
	12:25 Q. And where do these numbers come from?		
	13:01 A. His W-2 forms.		
	13:02 Q. Okay. Now, we see in 2019 that his		
	13:03 number is lower than 2018. Why is that?		
	13:04 A. Well, the injury happened in October,		
	13:05 so that would be the difference.		
	13:06 Q. Okay. And I see here there are a		
	13:07 couple of significant bumps in between certain		
	13:08 years. Did you -- you said you looked at the		
	13:09 collective beginning agreement.		
	13:10 Can you identify why there were these		
	13:11 significant increases in Mr. Desrosiers' earnings		
	13:12 over these years?		
	13:13 A. Well, part of it is just the normal		
	13:14 salary increases. There's also what -- police		
	13:15 officers get a base salary, and then once they hit		
	13:16 the top of the pay scale, depending on the		
	13:17 department, sometimes it's four years or five		
	13:18 years, then they get what's called like longevity.		
	13:19 In the Cambridge department, it's		
	13:20 called a career award. Meaning, we're going to		
	13:21 give you an additional -- it's not a bonus but an		
	13:22 increase in your salary to reflect the years you've		
	13:23 had on the -- on the -- in the department. And		
	13:24 then there's overtime. So that's the combination		

DESIGNATION	SOURCE	DURATION	ID
13:25	of all of that. And '17 and '18 would most likely		
14:01	be overtime and '19 as well would be the bigger		
14:02	increases.		
14:03	Q. Okay. Thank you.		
14:04	Now, this is the earnings that are		
14:05	pre-accident, correct?		
14:06	A. That's correct.		
14:07	Q. I'm going to show you another chart		
14:08	which identifies years 2020 through 2023, and can		
14:09	you tell me -- this is the second page, and it's a		
14:10	demonstrative from your report.		
14:11	Tell me what the significance of this		
14:12	is.		
14:13	A. Well, I estimated Mr. Desrosiers'		
14:14	earning -- pre-injury earning capacity based on the		
14:15	last full year, the \$163,000 he earned in '18. And		
14:16	then this is just the increases in that earnings		
14:17	based on the increases in the collective bargaining		
14:18	agreement that I had.		
14:19	So we saw in 2020, in July, it went up		
14:20	2 and-a-half percent, and then July '21 it was		
14:21	1 percent. And as we increase those salaries, as		
14:22	of July of 2023, which was the last increase in the		
14:23	CBA, I increased his earnings from 163,860 each		
14:24	year, and as of July of '23, he would be earning		
14:25	\$180,000 a year.		
15:01	Q. So this would be a projection of what		
15:02	he would have been earning after the accident under		
15:03	the same type of scale as his pre-accident?		
15:04	A. That's correct.		
15:05	Q. Now, in the collective bargaining		
15:06	agreement, did you learn whether or not		
15:07	Massachusetts has a mandatory retirement age for		
15:08	police officers?		
15:09	A. There is one.		
15:10	Q. What is that retirement age?		
15:11	A. It's age 65.		
15:12	Q. Now, did you review when Mr. Desrosiers		
15:13	intended to work until?		
15:14	A. My understanding is he wanted to work		
15:15	to age 70.		

DESIGNATION	SOURCE	DURATION	ID
15:16	Q. Okay. So that would've meant he		
15:17	would've had to retire at 65 as a police officer		
15:18	and find alternative employment?		
15:19	A. That's correct.		
15:20	Q. Now, in reviewing Dr. Tota's report and		
15:21	opinions, did Dr. Tota accept the age 70 marker in		
15:22	terms of the work-life expectancy of		
15:23	Mr. Desrosiers, or did she use some other number?		
15:24	A. I recall she used age 67, and that		
15:25	is -- age 67 is normal retirement age based on		
16:01	Social Security, when you could collect your full		
16:02	Social Security benefit. But that -- again, we had		
16:03	mandatory retirement as a police officer.		
16:04	So as a police officer, we would be		
16:05	bound by the mandatory retirement age. Although,		
16:06	as does occur, police officers can retire and then,		
16:07	you know, become investigators or work in other		
16:08	areas of law enforcement post retirement, but I did		
16:09	not consider that.		
16:10	Q. So before we get to your consideration,		
16:11	you reviewed Dr. Tota's report.		
16:12	It's your understanding she did not		
16:13	essentially give a work-life expectancy until 70.		
16:14	She gave a work-life expectancy until 67, with 65		
16:15	being the retirement age for a police officer and		
16:16	then two years outside of the police force?		
16:17	A. That's -- that's what you would have to		
16:18	assume. That's correct.		
16:19	Q. So did you use that projection for your		
16:20	economic opinions?		
16:21	A. No. I limited it to age 65, the		
16:22	mandatory retirement age as a police officer.		
16:23	Q. Why did you limit your numbers to age		
16:24	65 when Mr. Desrosiers said he wanted to work until		
16:25	70, and Dr. Tota said it would've been reasonable		
17:01	for an average person to be working until 67?		
17:02	A. Well, one is to be conservative; two is		
17:03	we have the mandatory retirement age; and three, I		
17:04	would've had to make some assumptions about the		
17:05	types of jobs he could've done post retirement from		
17:06	Cambridge. And at the time I did my report, I		

DESIGNATION	SOURCE	DURATION	ID
	17:07	didn't have that information. So in order to be	
	17:08	conservative, I just relied on that mandatory	
	17:09	retirement age of 65.	
	17:10	Q. Would you then consider -- and we'll	
	17:11	get into your numbers. Would you consider your	
	17:12	numbers to essentially be the baseline of what	
	17:13	Mr. Desrosiers' loss of earnings is?	
	17:14	A. Yes.	
	17:15	Q. And would his loss of earnings be even	
	17:16	greater if he, in fact, did work past 65 in some	
	17:17	other capacity, other than a police officer?	
	17:18	A. Yes. If you assumed five more years of	
	17:19	work, I mean in a basic -- without getting into	
	17:20	present value, you would multiple that number by	
	17:21	five. So, obviously, if you add additional	
	17:22	earnings, then it's going to be higher than -- than	
	17:23	what I did.	
	17:24	Q. I'll show you the third chart from your	
	17:25	report, and can you just remind me when your report	
	18:01	was issued?	
	18:02	A. August 8th, 2024.	
	18:03	Q. So that was a court deadline that you	
	18:04	needed to provide this for. And tell us what this	
	18:05	chart is and understanding we're now about 11	
	18:06	months later, if there's any significance to that.	
	18:07	A. Sure. This is the loss of	
	18:08	Mr. Desrosiers' earning capacity as a police	
	18:09	officer to his mandatory retirement age. There's	
	18:10	two parts. The top part of this chart involves	
	18:11	what we call the future, which would've been from	
	18:12	the time I did my report to age 65. He was -- he	
	18:13	was just -- he turned 60 -- his birthday's	
	18:14	June 3rd, 1962, so he was 62, a little over 62	
	18:15	years of age when I did my report. So the future	
	18:16	period was a little under three years.	
	18:17	And then on the bottom is the past and	
	18:18	that would've been from the date of the incident in	
	18:19	October, all the way through July of 2024.	
	18:20	Q. There's also a Value of Benefits	
	18:21	section. Can you tell us what that means?	
	18:22	A. Sure. Police officers, based on my	

DESIGNATION	SOURCE	DURATION	ID
18:23	review of the contract, the two benefits, the main		
18:24	one I considered was health insurance. The -- the		
18:25	city provides health insurance. Now, the officer		
19:01	has to pay 18 percent of the premium. So based on		
19:02	that data, I was able to estimate what that value		
19:03	would be.		
19:04	He also had participation in the		
19:05	pension plan, which was about 20 percent of		
19:06	earnings, and the health was close to 11 percent,		
19:07	but he also had expenses. So in part of his work,		
19:08	he incurred expenses for his uniform and other		
19:09	things that I -- I netted that out, so the net		
19:10	benefit rate that I used was 26.3 percent of		
19:11	earnings.		
19:12	Q. Okay. And because you did this report		
19:13	and this chart about a year ago, tell us the		
19:14	significance of that. Would some of the future now		
19:15	be in past or vice versa?		
19:16	A. Yeah. So the future has to be in		
19:17	what's called present value. Present value is just		
19:18	a formula that takes future dollars and determine		
19:19	what they're worth today. It's called the time		
19:20	value of money.		
19:21	So what I did was for the, roughly, 2.8		
19:22	years I grew the \$180,000 by 2 and-a-half percent,		
19:23	which is reflected of the average growth in the		
19:24	contract, and I looked at the labor market too. So		
19:25	2 and-a-half percent was very reasonable.		
20:01	Present value, you have to assume an		
20:02	interest rate, so you take those future dollars and		
20:03	you -- if you could invest the money, what would		
20:04	you need today to provide for that? I used a		
20:05	4 percent interest rate.		
20:06	And when you do that math, the present		
20:07	value of the \$180,000 for a little under three		
20:08	years is \$482,000. You add the benefits. It's		
20:09	about 127,000. And also, I assumed he's unable to		
20:10	return to work. That gives us a future loss of		
20:11	609,000.		
20:12	The past would be what has accrued up		
20:13	to the date I did my report. So following those		

DESIGNATION	SOURCE	DURATION	ID
20:14	earnings we showed a little while ago, I just added		
20:15	up those earnings from the time he was injured		
20:16	through July, added the benefits, and that would be		
20:17	about \$1,037,000.		
20:18	Now, you know, we're essentially coming		
20:19	up on a year out. So, essentially, what you would		
20:20	do is increase the past lost earnings for the last		
20:21	year and that reduces the future pre-injury, but		
20:22	the overall total is going to be about the same.		
20:23	So I didn't -- I didn't make that adjustment.		
20:24	Q. So when you say the total amount, I see		
20:25	here \$1,647,308. And what does that number		
21:01	represent?		
21:02	A. That is Mr. Desrosiers' past and future		
21:03	loss of earning capacity, assuming that based on		
21:04	Dr. Tota he was unable to return to work in any		
21:05	capacity, and that will continue to his -- to the		
21:06	mandatory retirement age.		
21:07	Q. So this would be from the date of the		
21:08	incident until his mandatory retirement age; is		
21:09	that correct?		
21:10	A. That's correct.		
21:11	Q. And that would be assuming, number one,		
21:12	he does not find alternative employment and number		
21:13	two, he does not work past 65 as he intended?		
21:14	A. That's correct.		
21:15	Q. And you mentioned this "present value"		
21:16	term. Why did you use that present value		
21:17	terminology or methodology for your report?		
21:18	A. I have to in this instance. It's part		
21:19	of the -- when we look at economics in this type of		
21:20	setting, there are times -- certain guidelines that		
21:21	you have to follow, and here any future loss has to		
21:22	be reduced to present value.		
21:23	Q. Okay. Mr. Verzilli, to just summarize,		
21:24	is it your professional opinion that Mr. Desrosiers		
21:25	has sustained an economic loss from the date of the		
22:01	accident until the date of 65 retirement age of		
22:02	\$1,647,000 and -- and change?		
22:03	A. Yes.		
22:04	Q. And do you hold your opinions in this		

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DESIGNATION	SOURCE	DURATION	ID
	22:05 case to a reasonable degree of vocational economic		
	22:06 certainty?		
	22:07 A. I do.		
	22:08 MR. ZIMMERMAN: Mr. Verzilli, thank you		
	22:09 for your time. Ms. Devine may have some		
	22:10 questions.		
22:18 - 27:04	Verzilli, Andrew 2025-07-03	00:04:22	AndrewVerzilli-editedfortrial.2
	22:18 Q. Good morning, Mr. Verzilli.		
	22:19 A. Hi.		
	22:20 Q. My name's Alaina Devine. I'm one of		
	22:21 the lawyers for SIG Sauer, and I just have a couple		
	22:22 questions for you.		
	22:23 You were hired by the plaintiffs'		
	22:24 lawyer in this case to conduct your economic		
	22:25 assessment, correct?		
	23:01 A. That's correct.		
	23:02 Q. And you charge to complete that work.		
	23:03 You charge \$300 per hour to draft a report. Here		
	23:04 you spent ten hours for a total of \$3,000, correct?		
	23:05 A. That's correct.		
	23:06 Q. You also charge \$2,000 per day for any		
	23:07 trial testimony, correct?		
	23:08 A. Yes, except that was if I came to the		
	23:09 trial. So I'm sitting here. I'm not -- I'm not		
	23:10 charging a -- I'm not charging \$2,000 for this		
	23:11 because it's not -- it's, you know...		
	23:12 Q. Is it an hourly rate instead?		
	23:13 A. I probably will.		
	23:14 Q. Sure. And you indicated you've been		
	23:15 doing expert work for many years since about 1992;		
	23:16 is that correct?		
	23:17 A. That is correct.		
	23:18 Q. You also indicated about 95 percent of		
	23:19 your cases are for the plaintiff, correct?		
	23:20 A. That's correct.		
	23:21 Q. And you've worked specifically with		
	23:22 this plaintiffs' lawyer's firm for about 20 years;		
	23:23 is that right?		
	23:24 A. I -- yes, and there was a -- those		
	23:25 attorneys, some of them have passed away, but there		

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24:01	was a firm before this firm that we had a few, but		
24:02	for this firm, yeah, about 20 years.		
24:03	Q. And you've estimated that you had about		
24:04	a hundred cases previously with this firm, correct?		
24:05	A. Yes.		
24:06	Q. You indicated at your deposition in		
24:07	this case that you had to do some research on some		
24:08	Massachusetts law and standards.		
24:09	It's fair to say most of your cases are		
24:10	in the Pennsylvania area, not in the Massachusetts		
24:11	area, correct?		
24:12	A. That is correct.		
24:13	Q. In connection with your work in this		
24:14	case, you never met or spoke with Mr. Desrosiers,		
24:15	correct?		
24:16	A. That's correct.		
24:17	Q. Not in person and not by Zoom, correct?		
24:18	A. I never interviewed him. I didn't talk		
24:19	to him in any -- I had no communication with him.		
24:20	Q. Okay. You relied pretty much		
24:21	exclusively on Dr. Tota's opinion that		
24:22	Mr. Desrosiers is unable to work in any capacity,		
24:23	correct?		
24:24	A. That is correct.		
24:25	Q. You don't know and you don't have an		
25:01	opinion about whether or not Mr. Desrosiers can		
25:02	actually work or not, correct?		
25:03	A. That's correct. I'm not a vocational		
25:04	expert.		
25:05	Q. And you didn't review any of his		
25:06	medical records or speak to any providers to verify		
25:07	the information contained in Dr. Tota's report,		
25:08	correct?		
25:09	A. Yes. I don't think I can talk to		
25:10	providers. I don't and I haven't. But I did not		
25:11	do that.		
25:12	Q. You also didn't calculate a loss of		
25:13	earning capacity for any alternative scenarios		
25:14	here, right?		
25:15	A. Can you clarify?		
25:16	Q. Sure. In your practice, is it common		

DESIGNATION	SOURCE	DURATION	ID
	25:17 for a vocational expert to provide more than one		
	25:18 scenario of potential vocational outcomes?		
	25:19 A. It depends. I mean, there are cases		
	25:20 where there's -- one vocational outcome is		
	25:21 disability, one is they can go back part-time. It		
	25:22 really is a case-by-case basis.		
	25:23 Q. And when you're provided more than one		
	25:24 scenario, sometimes you'll calculate for more than		
	25:25 one scenario, correct?		
	26:01 A. Yeah. I will follow -- again, I'm not		
	26:02 a vocational expert, and if there is another		
	26:03 alternative, I will undertake that.		
	26:04 Q. And Dr. Tota, if she had provided you		
	26:05 with alternative scenarios and you were asked to		
	26:06 calculate a loss of earning capacity based on some		
	26:07 part-time or other employment for Mr. Desrosiers,		
	26:08 you would have done that, correct?		
	26:09 A. I would have, yes.		
	26:10 Q. And in that case, if there had been		
	26:11 part-time work or another employment opportunity		
	26:12 for Mr. Desrosiers that Dr. Tota had identified,		
	26:13 it's true, is it not, that his losses could have		
	26:14 been less or potentially nonexistent?		
	26:15 A. Yeah. I'll explain really simple. At		
	26:16 that point, we're doing math. So I subtracted zero		
	26:17 away. If I subtract something, then that number is		
	26:18 going to be -- the total loss is going to be lower.		
	26:19 So whatever that amount is it will be lower.		
	26:20 Q. And in reviewing Dr. Tota's report, you		
	26:21 saw her opinion that Mr. Desrosiers is unable to		
	26:22 work in any capacity based on her review of		
	26:23 Mr. Desrosiers' medical records and his physical		
	26:24 and psychological condition, correct?		
	26:25 A. That's correct.		
	27:01 Q. Okay. And were you aware that		
	27:02 Mr. Desrosiers hadn't sought treatment for several		
	27:03 years for any of those conditions?		
	27:04 A. No.		
28:05 - 31:11	Verzilli, Andrew 2025-07-03	00:03:18	AndrewVerzilli-ed itedfortrial.3
	28:05 Q. Mr. Verzilli, you're aware that		

DESIGNATION	SOURCE	DURATION	ID
28:06	Dr. Tota's opinion that Mr. Desrosiers was unable		
28:07	to work was based on her review of Mr. Desrosiers'		
28:08	medical records related to his physical and		
28:09	psychological conditions, correct?		
28:10	A. Yes.		
28:11	Q. And were you aware that Mr. Desrosiers		
28:12	had not seen a urologist in more than five years?		
28:13	A. No.		
28:14	Q. Were you aware that Mr. Desrosiers had		
28:15	not been to physical therapy in five years?		
28:16	A. No.		
28:17	Q. And were you aware that Mr. Desrosiers		
28:18	has not seen a psychologist in three years?		
28:19	A. No.		
28:20	Q. Would you agree with me that if		
28:21	Mr. Desrosiers had followed up on any of those		
28:22	treatment options for his physical or psychological		
28:23	conditions described in Dr. Tota's report and it		
28:24	was then determined that he was able to return to		
28:25	work, the losses would be less?		
29:01	A. If you assume he could've -- he could		
29:02	go back to work in some other capacity, we're going		
29:03	to subtract. Whatever that number is, it's going		
29:04	to reduce the total. That's math.		
29:05	Q. In page -- in your report on page 4,		
29:06	you define earning capacity, and I'll read exactly		
29:07	what you have in the report.		
29:08	"Earning capacity is defined as the		
29:09	level of income that an individual may reasonably		
29:10	be expected to receive from work, given the		
29:11	individual's age, level of educational attainment,		
29:12	particular skills and talents, actual earnings and		
29:13	work history, intentions, and the supply and demand		
29:14	conditions in the labor market relative to the		
29:15	individual's realistic employment choices."		
29:16	Is that an accurate reading of page 4		
29:17	of your report and the definition of earning		
29:18	capacity?		
29:19	A. Yes, and I think I kind of summarized		
29:20	that earlier today.		
29:21	Q. Yes, you did.		

DESIGNATION	SOURCE	DURATION	ID
	29:22	Did you learn in your review of	
	29:23	Dr. Tota's report that Mr. Desrosiers was a highly	
	29:24	educated man?	
	29:25	A. Yes. I thought I put his education in	
	30:01	there. I may not have, but yeah, I -- whatever the	
	30:02	education was, I knew that.	
	30:03	Q. Sure. He had a bachelor's degree in	
	30:04	liberal arts and criminal justice, correct?	
	30:05	A. That's correct.	
	30:06	Q. A law degree that he received in 2012,	
	30:07	correct?	
	30:08	A. That's correct.	
	30:09	Q. And he also completed an online real	
	30:10	estate class in the fall of 2023 after his	
	30:11	incident, correct?	
	30:12	A. I think so. Yeah, I'll take your word	
	30:13	for that.	
	30:14	Q. He had a 24-year work history with the	
	30:15	Cambridge Police Department, correct?	
	30:16	A. Yeah. He had been there since '95.	
	30:17	Q. And you saw in Dr. Tota's report some	
	30:18	of the aptitude tests that she administered to	
	30:19	Mr. Desrosiers, and the results of those tests were	
	30:20	above average and in some cases the 99th percentile	
	30:21	in aptitudes, correct?	
	30:22	A. Yeah. I didn't look at it this	
	30:23	morning, but whatever is in the report, yes.	
	30:24	Q. Okay. And she also indicates in her	
	30:25	report that he had many transferrable skills as a	
	31:01	police officer, correct?	
	31:02	A. Yes.	
	31:03	Q. And at least as you've defined earning	
	31:04	capacity in your report, part of determining	
	31:05	earning capacity is looking at the actual labor	
	31:06	market conditions, correct?	
	31:07	A. Yes. And here how that relates to	
	31:08	Mr. Desrosiers is the CBA, is the labor -- I mean,	
	31:09	that's -- collective bargaining is a process to	
	31:10	determine wages between the union and -- and the	
	31:11	employer, and that is the labor market data.	

DESIGNATION	SOURCE	DURATION	ID
32:06 - 37:22	Verzilli, Andrew 2025-07-03	00:06:46	AndrewVerzilli-editedfortrial.4
32:06	Q. Mr. Verzilli, you'd agree with me, at		
32:07	least as you've defined earning capacity, that part		
32:08	of looking at earning capacity is looking at		
32:09	conditions in the labor market, correct?		
32:10	A. Yes, and I'll -- I'll clarify that.		
32:11	What a job earns, what an occupation, what the --		
32:12	if you go to the Bureau of Labor Statistics and		
32:13	let's look at a average secretary in Boston.		
32:14	That's an economic question.		
32:15	The vocational expert identifies an		
32:16	occupation that is suitable, given the limitations		
32:17	and other vocational factors. Once we know that		
32:18	job, then it's an economic issue, and I would look		
32:19	at the labor market.		
32:20	Here Dr. Tota did not identify any jobs		
32:21	that Mr. Desrosiers could do, so I didn't -- in		
32:22	terms of his post injury, there was nothing for me.		
32:23	I didn't go look in the labor market and say an		
32:24	average private investigator -- or whatever that		
32:25	job was -- would pay and then use that.		
33:01	But I do that -- you know, I look at		
33:02	the labor market on a daily basis.		
33:03	Q. Thank you.		
33:04	As far as your calculations, you used I		
33:05	believe Mr. Desrosiers' 2018 earnings to calculate		
33:06	loss of earning capacity, correct?		
33:07	A. That's correct.		
33:08	Q. And you indicated on direct that his		
33:09	earnings were based both on his base salary but		
33:10	also on overtime pay or potentially detail pay,		
33:11	correct?		
33:12	A. Right, as well as that -- I call it		
33:13	longevity 'cause I see it more here. I think it's		
33:14	called the career award, whatever that -- there's a		
33:15	term for it. But for every year -- and depending		
33:16	on what year you were in -- you got a percent. I		
33:17	think at the time of this, it was 11 percent, and		
33:18	it would be 15 percent today.		
33:19	Q. Okay. You just reviewed		
33:20	Mr. Desrosiers' W-2s, correct, for -- for reviewing		

DESIGNATION	SOURCE	DURATION	ID
33:21	his actual income?		
33:22	A. That's correct.		
33:23	Q. So you didn't know when you looked at		
33:24	that the difference between his base salary, his		
33:25	overtime pay, his detail pay, or his career award		
34:01	increase, correct, other than what's in the		
34:02	collective bargaining agreement?		
34:03	A. I could get -- I could get an		
34:04	approximation, but I didn't have the -- I didn't		
34:05	have a pay statement that broke it all out.		
34:06	Q. Okay. You'd agree that how much		
34:07	overtime or detail somebody does in a given year		
34:08	varies based on how much they want to do, how much		
34:09	is available, and perhaps other factors, correct?		
34:10	A. That's correct.		
34:11	Q. And we looked at the prior year's --		
34:12	last five years of Mr. Desrosiers' earnings, and		
34:13	you explained to the jury that prior to '17, 2017,		
34:14	Mr. Desrosiers' earnings were about \$30,000 or so		
34:15	less, correct?		
34:16	A. Yes. Like, '16 it was 133,000.		
34:17	Q. Yeah. '15, it was 124,000, and 2014,		
34:18	it was also 124,000, correct?		
34:19	A. That's correct.		
34:20	Q. You didn't average out or try to factor		
34:21	those lower numbers into your calculations,		
34:22	correct? You just used the 2018 number?		
34:23	A. That's correct. Because I saw in '17		
34:24	there was one -- almost 167-. It was down a little		
34:25	bit in '18, and the year he got hurt into October,		
35:01	he was almost at 157-. So those three years were		
35:02	showing significant -- above the other years, so		
35:03	that's -- that's why I did that.		
35:04	Q. And you -- sorry.		
35:05	A. I'm sorry.		
35:06	Q. My apologies. I didn't mean to		
35:07	interrupt you.		
35:08	A. It's okay. I'm done.		
35:09	Q. Okay. You explained on direct that		
35:10	some of that increase in pay was relative to his		
35:11	overtime, correct?		

DESIGNATION	SOURCE	DURATION	ID
35:12	A. Sure. Between '16 and '17, the		
35:13	overtime increased, but then it kind of leveled		
35:14	out.		
35:15	Q. Okay. When you looked at the		
35:16	collective bargaining agreement and applied the		
35:17	increase that you did, did you also apply that		
35:18	increase to any overtime or detail pay that may be		
35:19	factored into his salary as reflected in his W-2?		
35:20	A. Well, what happens is the detail and		
35:21	overtime pay is generally going to be a multiple of		
35:22	the base salary, and you also have the career award		
35:23	increased to 15 percent. So I just took the		
35:24	aggregate.		
35:25	So, essentially, the overtime amount is		
36:01	going to be a little bit lower now because the		
36:02	career benefit went up from 11 percent to		
36:03	15 percent, and I didn't break everything out. But		
36:04	in total, it's not really that significant of a		
36:05	difference to do it my way.		
36:06	Q. And you're aware that Mr. Desrosiers		
36:07	was out on leave from the time of the incident and		
36:08	never returned to work, at least as of the time		
36:09	that you did your calculations, correct?		
36:10	A. That's correct.		
36:11	Q. And you don't know what Mr. Desrosiers'		
36:12	current employment status is, correct?		
36:13	A. I -- my understanding is he's not		
36:14	working.		
36:15	Q. Do you know whether he's actually		
36:16	retired from the Cambridge Police Department at		
36:17	this point?		
36:18	A. I don't think he took a retirement yet,		
36:19	but he's not in the labor market.		
36:20	Q. Okay. So if Mr. Desrosiers is		
36:21	presently retired, that's not information that you		
36:22	have, correct?		
36:23	A. Yeah. I don't recall if he -- I don't		
36:24	recall if he officially retired or not.		
36:25	Q. Okay. And you explained on direct that		
37:01	you included in your calculations a loss of pension		
37:02	benefits, I believe, at 20 percent; is that right?		

DESIGNATION	SOURCE	DURATION	ID
	<p>37:03 A. Yes. And how I did it was for the</p> <p>37:04 additional years, you get a higher pension. So</p> <p>37:05 from 19 to age 65, he already had a pens- -- he</p> <p>37:06 already would've accrued some pension for the years</p> <p>37:07 he had been there, the 24 years.</p> <p>37:08 The question is what would've been the</p> <p>37:09 increase in that pension, so I looked at it in that</p> <p>37:10 respect.</p> <p>37:11 Q. Do you know, Mr. Verzilli, whether or</p> <p>37:12 not Mr. Desrosiers is receiving creditable service</p> <p>37:13 years while he's been out on leave since the</p> <p>37:14 incident, towards his pension?</p> <p>37:15 A. I don't know. I'm not aware.</p> <p>37:16 Q. And you didn't have his pension</p> <p>37:17 statement to actually look at that? That wasn't</p> <p>37:18 something provided to you, correct?</p> <p>37:19 A. Yeah. That's correct. I didn't look</p> <p>37:20 at it to see if, you know, if they're</p> <p>37:21 increasing the -- I don't -- I don't know, as we</p> <p>37:22 sit here.</p>		
38:23 - 44:03	<p>Verzilli, Andrew 2025-07-03</p> <p>38:23 Q. Mr. Verzilli, if Mr. Desrosiers</p> <p>38:24 actually suffered no loss to his pension benefits,</p> <p>38:25 your inclusion of that in your calculation would</p> <p>39:01 overstate the loss, correct?</p> <p>39:02 A. If you take out the pension</p> <p>39:03 contribution, that's math, so yes.</p> <p>39:04 Q. And you're aware that police officers</p> <p>39:05 in Massachusetts are pension eligible after 20</p> <p>39:06 years, correct?</p> <p>39:07 A. That is my understanding. I -- I think</p> <p>39:08 so, and they may have to be -- I don't even know if</p> <p>39:09 they have to be an age, but I think 20 is the key.</p> <p>39:10 MS. DEVINE: We can go off the record.</p> <p>39:11 I just want to check my notes.</p> <p>39:12 THE VIDEOGRAPHER: Off the record at</p> <p>39:13 10:38 a.m.</p> <p>39:14 MS. DEVINE: Okay. We can go back on.</p> <p>39:15 THE VIDEOGRAPHER: Back on the record</p> <p>39:16 at 10:39 a.m.</p>	00:04:39	AndrewVerzilli-editedfortrial.5

DESIGNATION	SOURCE	DURATION	ID
39:17	MS. DEVINE: I have no further		
39:18	questions. Thank you very much,		
39:19	Mr. Verzilli.		
39:20	- - -		
39:21	RE - DIRECT EXAMINATION		
39:22	- - -		
39:23	BY MR. ZIMMERMAN:		
39:24	Q. Mr. Verzilli, I just want to clarify		
39:25	two things. I'm going to share my screen again		
40:01	with the 703 charts.		
40:02	Can you see my screen?		
40:03	A. Yes.		
40:04	Q. Okay. When you looked at pre-accident		
40:05	earning capacity, is this the number that you		
40:06	selected?		
40:07	A. I did.		
40:08	Q. Okay. You didn't select 166-, which		
40:09	was his highest year to date?		
40:10	A. That's correct.		
40:11	Q. In 2019 the injury happened in October.		
40:12	Do you have a calculator with you?		
40:13	A. Yes.		
40:14	Q. Can you just give me a rough estimate		
40:15	of what his 2019 earnings would have been if it was		
40:16	prorated out for the full year?		
40:17	MS. DEVINE: I'm going to object to		
40:18	this question. We can go off the record.		
40:19	THE VIDEOGRAPHER: Off the record at		
40:20	10:40 a.m.		
40:21	(Whereupon, the following proceedings		
40:22	were held off the video record but on the		
40:23	stenographic record.)		
40:24	MS. DEVINE: I'm going to object to any		
40:25	new opinions being calculated and reached and		
41:01	offered at this time, as previously not		
41:02	disclosed.		
41:03	MR. ZIMMERMAN: And I'm not necessarily		
41:04	asking him for a new opinion. He told the		
41:05	jury what number he used, and in		
41:06	cross-examination, there were questions		
41:07	suggesting that that was inappropriate.		

DESIGNATION	SOURCE	DURATION	ID
41:08	I'm asking him what the number would be		
41:09	extrapolated for 2019 to confirm that he did		
41:10	not, in fact, use that for his opinion.		
41:11	MS. DEVINE: Okay. I still have the		
41:12	same objection, but we can go back on the		
41:13	record.		
41:14	THE VIDEOGRAPHER: Back on the record		
41:15	at 10:40 a.m.		
41:16	BY MR. ZIMMERMAN:		
41:17	Q. So, Mr. Verzilli, let me just clarify		
41:18	the question. \$157,000 would have been what he		
41:19	earned up until the date of his October 10th		
41:20	incident, to your understanding?		
41:21	A. That's correct.		
41:22	Q. And October 10th, how far into the year		
41:23	would that have been?		
41:24	A. It's about ten and-a-half months.		
41:25	Q. Okay.		
42:01	A. I mean, sorry. Yeah, no. Nine		
42:02	and-a-half months. I'm sorry. It's -- it's		
42:03	halfway into the tenth month, so nine and-a-half		
42:04	months.		
42:05	Q. Okay. So if you extrapolate that		
42:06	amount, 157-, over the course of that year, what		
42:07	would that number be, just math-wise?		
42:08	MS. DEVINE: Same objection. We can		
42:09	stay on.		
42:10	A. If -- in a simple way, even if you		
42:11	assume that's for the full ten months, it would --		
42:12	it would've exceeded \$180,000.		
42:13	BY MR. ZIMMERMAN:		
42:14	Q. Okay. So you didn't use the \$180,000		
42:15	annual rate for 2019. You didn't use the 2017 166-		
42:16	rate. You didn't use the rate from three, four, or		
42:17	five years after the incident. You used this 163-		
42:18	number?		
42:19	MS. DEVINE: Same objection.		
42:20	A. That's correct. I used the last full		
42:21	year.		
42:22	BY MR. ZIMMERMAN:		
42:23	Q. And would you consider that to be a		

DESIGNATION	SOURCE	DURATION	ID
42:24	conservative estimate of his pre-accident earnings?		
42:25	A. Yes. And you really can't just average		
43:01	the '14, '15, and '16 because you have to -- you		
43:02	have to put them all in equivalent years. So I'd		
43:03	have to take the 124- and look at the increase in		
43:04	'15, '16, and '17 and do the same, so those figures		
43:05	are going to come up.		
43:06	And then if you're going to average, do		
43:07	it that way, you should look at '19, and then that		
43:08	was higher. I felt that those three years where		
43:09	we're seeing that overtime was higher than it had		
43:10	been in '14, '15, and '16, I felt that was a		
43:11	reliable estimate.		
43:12	Q. And there were some questions about		
43:13	pension benefits. We're literally talking about a		
43:14	portion of these \$126,000 of benefits that were		
43:15	identified?		
43:16	A. Of the future, yes.		
43:17	Q. Okay. And regardless of the nominal		
43:18	amount in pension benefits, your opinion is that		
43:19	his total economic loss from date of incident to		
43:20	age 65 mandatory retirement would have been this		
43:21	1.647 number?		
43:22	A. That's correct.		
43:23	MR. ZIMMERMAN: All right, sir. Thank		
43:24	you for your time.		
43:25	THE WITNESS: Thank you, everyone.		
44:01	THE VIDEOGRAPHER: Are there any more		
44:02	questions?		
44:03	MS. DEVINE: No further questions.		

Our Designations 00:39:32

TOTAL RUN TIME 00:39:32